

**HSCA Advisory Committee (HAC)**  
**Dover Public Library (302)736-5025**  
**35 Loockerman Plaza**  
**Dover, DE 19901**  
**March 12, 2015**  
**Draft Meeting Minutes**

**Attendees:**

**DNREC**

Stephanie Branche, USEPA  
Marianne Cinaglia, DeLEASI  
Angelo Fatiga, Pennoni  
Kathy Fox, EA Engineering  
Ken and Joanne Haynes, POIR  
Jane Kirby, BrightFields  
Bob Kondelin, Environmental Alliance  
Nora Lober, Pennoni  
Phil and Christine McCormick, a better design  
Doug Seavey, Landmark-SE

Marj Crofts  
Greg DeCowsky  
Kate Durant  
Jill Hall  
Stephen Johnson  
Robert Newsome  
Jim Poling  
Morgan Price  
Tim Ratsep  
Alex Rittberg  
Qazi Salahuddin  
Lori Spagnolo  
Paul Will

**DOJ**

Keith Brady

\*Note information regarding the March 12 meeting is available online at:

<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

**Introductions and Opening Remarks** – Tim Ratsep welcomed old and new members.

**Approval of Dec. 4 Meeting Minutes** – The meeting minutes were unanimously approved.

**DNREC News** – Marj Crofts reviewed DNREC items including proposal for purchase of Lukens Drive building.

**Updates for SIRS** - Tim Ratsep, Paul Will, Jim Poling, Qazi Salahuddin, Morgan Price, and Kate Durant: Qazi Salahuddin provided status update on the HSCA Guidance document. Morgan Price reviewed Section 9.0 Risk Assessment of the HSCA Guidance, which outlines the different processes for completing a Risk Assessment. The guidance will be updated every 6 mos. Jim Poling reviewed the updated Brownfields Grant Funding Policy. Kate Durant reviewed the 2015 Revisions to the HSAC Regulations in a PowerPoint presentation. The Public Hearing for the proposed regulations will be held on April 29. The PowerPoint presentation and SIRS documents are available at:

<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

**Updates for TMS** - Alex Rittberg and Lori Spagnolo:

Alex discussed:

- Overhaul of regulations this year - workshops on March 10, 12 & 17.

- Need for BDA template language to grant Brownfields Developers a release of liability for tank cleanups. DNREC is working with the AG's Office to draft template language that will be used when Brownfields sites have a known LUST project. The language cites regulatory language under HSCA to treat the releases of regulated substances under Chapter 74 as releases of regulated substances under Chapter 91, affording the Brownfields Developer liability protection under both statutes.
- Adding All Appropriate Inquiries (AAI) language that addresses a residential heating fuel UST. DNREC plans to adopt by regulation similar language that speaks to AAI on residential properties that already exists in HSCA. "In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of paragraph (c)(2)a. of this section."
- Attaching NFA Letters to deed notices. DNREC intends to move forward with this initiative and is exploring the cost and mechanics of making it happen.
- Also working on clarification of future liability for owners of former LUST cleanup sites where NFA Letters have been issued and tanks have been removed.

Lori Spagnolo provided an update on the new Heating Fuel Assistance Program. The program will cover tanks that are 1,100 gallons or less and remove a max. of 22 tons of contaminated soil. The work will be completed by vendors on the State Contract and it is expected to take 60 days to complete the removal and submit the invoices.

## **Brownfield Subcommittee Report Outs:**

### **Regulatory Subcommittee -**

- **BDA Template Discussion:** Keith Brady shared that the language of the statute drives the BDA agreement that is must be signed before taking title of the property. Want to use the template whenever possible, although it is understood that there will be sites with legal complexities that may require changes to the BDA. BDAs need to be submitted to SIRS so that there is ample time to address possible issues. Hope to eliminate those with 24/48-hour turnaround times.
- Tim Ratsep discussed new **UD Speciation Study** on the bioavailability of arsenic.
- Jim Poling provided an update on the **UD Return on Investment Study** for the public sector. Anticipate study will be completed in mid-June.
- Tim Ratsep discussed Natural Resource Damage Assessment (NRDA) process.

### **Finance Subcommittee -**

- Jim Poling provided information on the updated Brownfields Certification Application. Changes included the introduction, investment level, and defined contractual relationships with site occupants. In addition, it is anticipated that changes will occur to the definition for underutilized brownfields. Tanneries were also added as a per se use. The document is available at:  
<http://www.awm.delaware.gov/BAC/Pages/BACMeetings.aspx>

- Keith Brady highlighted a recommendation that the SIRS representatives walk the site as part of the application process to better understand the nuances associated with each property.

#### **Education and Outreach Subcommittee -**

- Robert Newsome reviewed the subcommittee plans to attend the Claymont Fair, work with real estate boards for all three counties, and do presentations for local clubs such as Lion's Club, etc. Marianne Cinaglia will contact commercial realtors to offer more information on the Brownfields Development Program.

#### **Ecological Revitalization and Green Restoration Group -**

- Greg DeCowsky reviewed the subcommittee meeting – 19 people attended. Dr. Sue Barton of UD will work on the design committee for the 1<sup>st</sup> demonstration. Will be doing planting in the spring - will need volunteers. The group is also arranging for revitalization and restoration site tours with Sue. Lori Spagnolo is providing an article on the project for the 2015-2016 winter issue of DNREC's Outdoor Delaware. The group is also compiling reference information and arranging for speakers for the HSCA Advisory Committee meetings.
- Lori Spagnolo discussed developing metrics for green remediation.
- Jim Poling will review the fiscal side to see if any possible incentives can be made available for using native plants on Brownfield/VCP sites.

#### **Public Comments**

None

#### **New Business**

- Angelo Fatiga provided information on the RE3 Conference scheduled for Sept. 15-17 in Philadelphia. Asked for DNREC and HSCA Advisory Committee representation at the conference. Marj Crofts suggested that the Mirror Lake Remediation Pilot and WATAR would be good presentations for the conference.
- Marj also suggested that in keeping with DNREC's Reduce, Reuse, Recycle Program, we send out all copies of documents electronically for future committee meetings, unless someone specifies to Christina Wirtz that they need paper copies beforehand.
- Phil McCormick recommended longer review times for documents: two-week review times are very short for HAC document review.

**Next Meeting – The next meeting will be held June 4, 2015 from 9:30-12:30 at the DNREC LEWES Field Office, 901 Pilottown Road, Lewes, DE 19958**